

रजिस्टर्ड नं० HP/13/SML-2005.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 29 अगस्त, 2005/7 अश्विन, 1927

हिमाचल प्रदेश सरकार

REVENUE DEPARTMENT

NOTIFICATION

Shimla 2, the 22nd August, 2005

No. Rev. B.F (12)-4/2005.—The Governor, Himachal Pradesh is pleased to notify the Scheme for the rehabilitation and resettlement of the oustees of the Jaypee Himachal Cement Project (a unit of Jaiprakash Associates Limited) as per Annexure "A".

By order,

Sd/-

F.C.-cum-Secretary (Revenue).

ANNEXURE "A"

SCHEME FOR THE REHABILITATION AND RESETTLEMENT OF THE OUSTEES OF THE JAYPEE HIMACHAL CEMENT PROJECT (A UNIT OF JAIPRAKASH ASSOCIATES LIMITED)

- 0.0 For the acquisition of land for Jaypee Himachal Cement Project, besides Government land, private land is also to be acquired by the Government for handing over to the Project Authorities. Due to the acquisition of private land, many families will be affected and some of them, will become houseless and landless. To protect the interests of the Oustees, adequate arrangements for their Rehabilitation and Resettlement have to be made.

Whereas Rule 8 A of the Himachal Pradesh Nautor land Rules, 1968 provides for framing of a special scheme for the Resettlement and Rehabilitation of persons who are displaced as a result of anything done in any public purpose.

Therefore, the Government of Himachal Pradesh hereby make the following scheme for Resettlement and Rehabilitation of the persons displaced on account of acquisition of their lands and other immovable properties under the Land Acquisition Act, 1894 (1 of 1894) for the construction of Cement Project and allied infrastructure affecting people of Solan and Bilaspur Districts.

PART - I

- 1.0 This scheme may be called the Resettlement and Rehabilitation of the Oustees of Jaypee Himachal Cement Project (grant of land and other benefits) Scheme, 2005.
- 1.1 It shall extend to the whole of area affected or likely to be affected as a result of construction of Jaypee Himachal Cement Project covering parts of Solan and Bilaspur Districts.
- 1.2 In this scheme, unless there is anything repugnant in the subject or context:—

- (a) "Oustee" means a Land Owner who, has been deprived of his house or land or both on account of acquisition proceedings/private negotiations in connection with the construction of Jaypee Himachal Cement Project and entitled to compensation in lieu thereof and includes his or her successors in interest.
- (b) "Family" means husband/wife, who is entered as owner/co-owner of land in the Revenue Record, their children including step or adopted children and includes his/her parents and those brothers and sisters who are living jointly with him/her as per entries of Panchayat Parivar Register as on the date of Notification under Section-4 of the Land Acquisition Act, 1894.

Provided that only the Panchayat Parivar Register entry, as it stood on the date of Notification under Section-4 of the Land Acquisition Act, 1894 shall be taken into account for the purpose of "Separate Family" for Rehabilitation benefit *i. e.* consideration for employment etc.

- (c) The word 'regular employment' means employment on regular basis in accordance with qualification.
- (d) "Holding" means the land holding possessed by the family of an Oustee immediately after acquisition of his property.
- (e) "Displaced Shopkeeper (s)" means the shopkeeper (s), who had taken shop (s) on rent and had been genuinely running business therein as on date of issuance of notification running business therein as on date of issuance of notification under section 4 of the Land Acquisition Act, 1894 and whose such shop is acquired for the Project or the shop owner who was himself running his business in such shop (s).

- (f) The words and expression used in this scheme but not defined herein, shall have the same meanings as assigned to them in the Himachal Pradesh Nautor Land Rules, 1968.

PART-II

2.0 Sanction of rehabilitation grant, infrastructural grant or facilities and grant to the families rendered houseless.

2.1.1 Resettlement Grant.

Each oustee family which will be rendered houseless on account of acquisition of house for the Cement Project shall be entitled to :

- (a) A compensation of Rs. 70,000/- in the form of houseless grant.
- (b) Each Project Affected Family which is rendered landless as well as houseless (both) or houseless will be provided an independent house with a built up plinth area of 60 Sq. Mtr. Alternatively Project Affected Family can also be offered a plot of size which allows construction of built up house of 60 Sq. Mtr. plinth area plus construction cost of the house at the rate Rs. 3000/- per Sq. Mtr.

A family which does not opt for house plot but constructs his house on his own plot at his own cost with a plinth area of 60 Sq. Mtr. or more (upto 50%) shall be paid the construction cost of house at the rate of Rs. 3500/- per Sq. Mtr. only for the plinth area of 60 Sq. Mtr. and option from such families will be asked at an appropriate time. In case any such family constructs house of more than 60 Sq. Mtr. plinth area on his own plot or plot offered by the project authorities then the amount to be given will be worked out on prorata basis.

- 2.1.2 Infrastructural facility in the rehabilitation colony will include water supply, sewerage, drainage, electricity, streets and approach path at project cost.
- 2.1.3 Transportation at the project cost will be provided for physical mobilization of all the project affected families as soon as the houses get constructed in the rehabilitation colony or a sum of Rs. 5000/- will be provided in lump sum and the option will be invited from the affected families.
- 2.1.4 Stamp duty and other fees payable for registration shall be borne by the Project Authority. The Deputy Commissioner concerned will be the sanctioning Authority for rehabilitation grant which shall be provided by the Project authorities and the same shall be placed at the disposal of the concerned Deputy Commissioner for disbursement to eligible concerned.
- 2.1.5 A minimum of 20 families should opt for the constructed house of 60 Sq. Mtr. plinth area in lieu of acquisition of house in the resettlement colony. Only then the infrastructural facilities as specified at part-II earlier will be provided by the project Authorities in the resettlement colony.

The following facilities will be considered :

- (a) *Primary School*.—All capital expenditure for school building, furniture, blackboards, the equipments would be provided by Jaypee Himachal Cement Project and the responsibility of running the school would be of Jaypee Himachal Cement

Project. The project Authorities will ensure that the proposed school ultimately is upgraded upto 10+2 level.

- (b) *Hospital*.—All capital expenditure for building, furniture, equipment etc. will be provided by Jaypee Himachal Cement Project and running of the Hospital would be the responsibility of Jaypee Himachal Cement Project.
- (c) One village pond, panchayat ghar, one drinking water well for at least 25 to 30 families, renovation of existing well/hand pump shall be provided in the resettlement colony by the Jaypee Himachal Cement Project.

2.2 Rehabilitation Grant :

2.2.1 Landless Grant :

1. Families whose land before acquisition was more than 5 Bighas and is left with 1 biswa or no agriculture land after acquisition : Rs. 65,000/-
2. Family whose land before acquisition was less than 5 Bighas and is left with 1 biswa or no agriculture land after acquisition : Rs. 55,000/-
3. Family whose land holding is left with more than 1 biswa and less than 5 bighas of land after acquisition : Rs. 45,000/-
4. Family whose cattle shed is acquired in the project areas, shall get one time financial assistance of Rs. 5,000/-. In no case the grant shall exceed Rs. 5000/- per family.
5. Displaced shopkeepers will be given shops in allotment in the shopping complex constructed by the project authorities. In addition, they will be entitled to one time displacement grant of Rs. 10,000/-. The commercial premises/shops allotted to such displaced shopkeepers shall be utilized by them or their successors in interest for *bonafide* use only. In case the project authorities are unable to provide shops, displaced shopkeepers shall get financial assistance of : Rs. 40,000/-.

2.2.2 Eligible Family Grant :

Eligible families shall be those who do not become landless but their land holding is rendered to less than 5 Bighas on account of acquisition:—

- (i) Families who are left with land more than one Biswa and upto 2-10-0 Bighas-one time grant of-Rs. 40,000/-.
- (ii) Families who are left with land more than 2-10-0 Bighas but less than 5 Bighas one time grant of Rs. 35,000/-

The Deputy Commissioner concerned will be the sanctioning authority for Rehabilitation grant, which shall be provided by the project authorities and placed at the disposal of the concerned Deputy Commissioner, for disbursement to eligible families. All these grants shall be in addition to the compensation paid under Land Acquisition Act, 1894.

2.2.3 Explanation-

For the purpose of this Scheme :—

- (a) Houseless family means a family who is rendered houseless as a result of Acquisition of their house under the Land Acquisition Act, 1894.
- (b) Landless family/ouster means a family who is holding no land or left with one Biswa or less than one Biswa after acquisition, whether as an owner or a tenant.
- (c) Eligible family means a family who, after acquisition, holds less than 5 Bighas of land as a land owner or as a tenant.
- (d) Tenant means a person whose name stands entered as such as per the revenue record and list finalized by the Land Acquisition Officer at the time of acquisition.

PART-III

3.0 Employment:

Employment shall be provided by the Project Authority for personnel in the category of unskilled and skilled workmen as specified in clause 18 of the MOU dated 9-7-2004. The eligibility criterion for regular employment, where offered will be as follows. The status will be determined on the date of notification under section 4 of the Land Acquisition Act.

- 3.1 Subject to the above, one member of each effected family will be short listed for consideration for employment depending upon the number of jobs in the Cement Project, in the following manner.
 - 3.1.1 One member of each affected family, who is absolute owner of land or house or both, whether male or female. As per entries of Revenue record, and entered as separate family in the Panchayat Parivar Register as on the date of Notification under Section-4 of Land Acquisition Act, 1894.
 - 3.1.2 In case of co-owners in the revenue record one member of each affected family consisting of male owner or widow, who are entered as separate family in the Panchayat Parivar Register as on the date of Notification under Section-4 of Land Acquisition Act, 1894. Unmarried daughters and sons, minor daughters and sons, who are co-owners of land as per entries in Revenue record shall be treated as family members of the widowed mother or any of the married elder brothers as recorded in Panchayat Parivar Register.
 - 3.1.3 Only one member of such affected family consisting of widow as co-owner with her only daughter or daughters as co-owner or sons and daughters, if they all recommend, only one member against all shall be eligible for consideration of employment in the project and if they are entered as separate family in the Panchayat Parivar Register.
 - 3.1.4 Only one member of such affected family consisting of only one or more than one daughter or son or sons and daughters as co-owners, if they all recommend one member against all, for consideration of employment in the project and if they are entered as separate family in Parivar Register.
 - 3.1.5 In case of such affected families who are co-owner as brothers and sisters and share of acquired land of each of such co-owners is one biswa or less and if they club their shares together with which quantum of acquired land becomes more than one biswa, only one member will be considered for employment against all such co-owners after their mutual consent:
 - (a) Provided that no member of a family whose total land acquired is one biswa or less, married daughter or heirs of pre-deceased/married daughter, who are recorded as co-owners in the revenue record with their brothers, sisters or parents shall be eligible for consideration of employment in the project.
 - (b) No member of affected family shall be eligible for consideration of employment if quantum of his acquired land is one biswa or less.
 - (c) No person shall be eligible for consideration of employment in the project who is not entered as member of the concerned affected family in the Panchayat Parivar Register.
 - (d) No family shall be entitled to give its right for consideration of employment to a member of some other family.
 - (e) No person or his family member shall be eligible for consideration of employment if he becomes owner of land by way of sale, gift, exchange etc, after the date of Notification of Section-4 of Land Acquisition Act, 1894.
 - (f) Priority for consideration for providing employment from amongst eligible persons, not exceeding the number of unskilled and skilled workmen required to be recruited for the Project as decided by the Project Authority, shall be fixed by the concerned Deputy Commissioner in consultation with the Project Authority.

3.2 Procedure for employment

- 3.2.1 Every head of family will submit his application on the prescribed proforma in the office of Land Acquisition Officer/Relief and Rehabilitation Officer, Jaypee Himachal Cement

Project as the Government may direct, along with required affidavit, duly attested. Dates within which such applications are to be filed shall be fixed by the Land Acquisition Officer/Relief & Rehabilitation Officer (RRO) with prior approval of the Deputy Commissioner concerned, in consultation with the executing agency.

3.2.2 Particulars of each affected family shall be entered in the list to be maintained in the office of the Land Acquisition Officer/RRO on the basis of particulars filled in the application, and Panchayat Patwar Register entry shall be entered in the list against all such families. LAO/RRO Cement Project will send the list to the concerned D. C. and names of eligible persons shall be sponsored by the Deputy Commissioner concerned in the shape of Mohal-wise lists to the project authorities for consideration of employment, depending upon the number of vacancies as determined by the Project Authorities.

3.2.3 Form of application along with specimen of affidavit shall be supplied to each head of family by the Land Acquisition Officer/RRO Cement Project free of cost.

The following criteria will be adhered to by the Deputy Commissioner concerned for providing of preference while sponsoring the names for employment:—

- (i) Affected families whose entire land has been acquired;
- (ii) Affected families who have become landless on account of acquisition of land by the Project Authorities.
- (iii) Others.

3.3 Secondary Employment:

For practical reasons it may, not be possible for the Project Authorities to provide direct employment to all the eligible persons due to many constraints. But every affected family shall have to be helped in starting some gainful occupation/getting training. Therefore, for such eligible persons who may not be accommodated in direct employment, the Project Authorities will help them in any one of the following manner.

3.3.1 The project authorities will construct shopping complexes in which a limited number of small shops/stalls will be earmarked for allotment to the eligible persons after appropriate consultation regarding capability and aptitude on a nominal rental as fixed by the Project Authorities.

3.3.2 Some members of the oustee Families may qualify to go for vocational training courses like ITI etc. Jaypee Himachal Cement Project will pay the training cost including tuition, residential hostel charges, books and stationery requirement charges. However, no job commitment could be given to trained persons.

3.3.3 For a starting an income generation scheme/self employment etc. the Project Authorities will provide financial grant of Rs. 30,000/- to those who do not opt for shop or do not avail any other Secondary employment opportunity/facility.

3.3.4 The project authorities will also consider to award petty contracts to the Co-operatives of eligible families on preferential basis so that some of them may be engaged in such jobs also. Secondly, the project authorities will persuade their contractors to engage eligible persons from affected families on a preferential basis wherever possible during construction stage.

3.3.5 These steps will ultimately lead to facilitation for adjustment of all the eligible persons in different employment/income generating scheme/self employment etc. for appropriate rehabilitation.

A Village Development Advisory Committee in each Panchayat will be the executing agency with the representatives of State Govt. executing agency, land oustees and village Panchayat for monitoring and implementing the above schemes.